

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:12-cr-0128-JMS-TAB
)	
MARCUS COLEMAN,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On December 28, 2017, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on April 11, 2017. Defendant Coleman appeared in person with his appointed counsel Michael Donahoe. The government appeared by Jeff Preston, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Tim Hardy.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Coleman of his rights and provided him with a copy of the petition. Defendant Coleman orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Coleman admitted violation 1. [Docket No. 9.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

Violation	
<u>Number</u>	<u>Nature of Noncompliance</u>

1	“The defendant shall not commit a new federal, state or local crime.”
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On April 4, 2017, Marcus Coleman was arrested and charged with Possession of Cocaine (felony); Possession of Paraphernalia; and Knowingly or Intentionally Operating a Motor Vehicle Without Ever Receiving a License, in Marion County, Indiana, under cause number 49G14-1704-F6-012696. According to the affidavit for probable cause, on April 4, 2017, a traffic stop was initiated on the offender by the Indianapolis Metropolitan Police Department (IMPD) for speeding, failing to use his turn signal and failing to yield at a stop sign. Upon initiating the traffic stop, Mr. Coleman exited his vehicle. The officer held the offender at gun point, radioed control Mr. Coleman had exited his vehicle, and waited for help on the scene. During the investigation, it was confirmed through the Bureau of Motor Vehicles the offender never obtained an operator's license in Indiana. He told police he had a valid driver's license from Arkansas which could not be confirmed. An inventory search was conducted on the offender's vehicle, and officers located a clear plastic baggie with a white powdery rock like substance inside, and a clear glass cylinder pipe used for smoking crack cocaine. The suspected substance was tested and found to be cocaine with a weight of .10 grams.

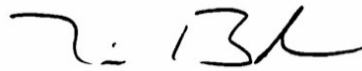
4. Government orally moved to dismiss violations 2, 3, and 4 and the same granted.
5. The parties stipulated that:
 - (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant's criminal history category is VI.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 27 months' imprisonment.
6. Parties jointly recommended as sentence of eighteen (18) months with no supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of eighteen (18) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's

action on this Report and Recommendation. The Court will make a recommendation of placement at FCC Terre Haute.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 01/02/2018

A handwritten signature in black ink, appearing to read 'T. Baker', is positioned above a horizontal line.

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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